

Application Serial No. 10/713,808
Amdt. Dated November 7, 2008
Reply to Final Office Action Dated August 7, 2008

Attorney Docket No. 89212.0014
Customer No. 26021

Remarks/Arguments:

Claims 31-33 are canceled without prejudice. Claims 1-7, 10, and 34-35, having been allowed, are pending in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

CLAIM REJECTIONS UNDER 35 USC § 103(a)

Claims 31-33 remain rejected as being unpatentable over Palmieri et al. (Journal of Clinical Oncology 19(5):1437-1443) in view of Scholl et al. (Cancer Research 61:823-826) and Kuo et al. (Clinical Cancer Research 4:411-418).

Without acquiescence in the Examiner's rejections and for the sole purpose of expediting the prosecution of the present application, Applicants have cancelled without prejudice claims 31-33, rendering the rejections moot.

Applicants respectfully submit that the rejections have been overcome and should be withdrawn.

CONCLUSION

Applicants believe the foregoing amendments comply with requirements of form and thus may be admitted under 37 C.F.R. § 1.116(b).

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (310) 785-4600 to discuss the steps necessary for placing the application in condition for allowance.

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If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

Date: November 7, 2008

By: /yjluo/

Y. Jenny Luo, Ph.D.
Registration No. 54,284
Patent Agent for Applicants

1999 Avenue of the Stars, Suite 1400

Los Angeles, California 90067

Telephone: 310-785-4600

Facsimile: 310-785-4601